



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC UTILITY CONTROL

August 31, 2000

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Magalie Roman Salas
Commission Secretary
Federal Communications Commission
Portals II
445 12th Street, S.W.
Suite TW-A325
Washington, D.C. 20554

Re: File No. NSD-L-00-161, State of New York Department of Public Service
Request for the Release of a New Area Code to Provide Relief for the 716
Numbering Plan Area and CC Docket No. 96-98, Implementation of the
Local Competition Provisions of the Telecommunications Act of 1996

Dear Ms. Salas:

Enclosed please find one original and four copies of the Connecticut Department
of Public Utility Control's comments filed in the above noted proceeding.

Sincerely,

DEPARTMENT OF PUBLIC UTILITY CONTROL

Louise E. Rickard

Louise Rickard
Acting Executive Secretary

Enc.

cc: Al McCloud (2)

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of

State of New York Department of Public Service
Request for the Release of a New Area Code to
Provide Relief for the 716 Numbering Plan Area

Implementation of the Local Competition Provisions
of the Telecommunications Act of 1996

)
)
) File No.
) NSD-L-00-161
)

) CC Docket No.
) 96-98

COMMENTS OF THE CONNECTICUT
DEPARTMENT OF PUBLIC UTILITY CONTROL

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State of New York Department of Public Service)	NSD-L-00-161
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Provide Relief for the 716 Numbering Plan Area)	
Implementation of the Local Competition Provisions)	CC Docket No.
of the Telecommunications Act of 1996)	96-98

COMMENTS OF THE CONNECTICUT
DEPARTMENT OF PUBLIC UTILITY CONTROL

The Connecticut Department of Public Utility Control (CTDPUC) hereby submits the following comments in response to the Federal Communications Commission's (Commission) August 9, 2000 Public Notice (Notice) in the above captioned proceeding. According to the Notice, the Commission's Common Carrier Bureau (CCB) seeks comment on the State of New York Department of Public Service (NYDPS) request for the release of a new area code to provide relief for the 716 area code.¹ The NYDPS has sought Commission relief because the North American Numbering Plan Administrator (NANPA) has declined to release the relief code because the NYDPS did not adhere to industry guidelines against splitting rate centers in area code relief planning.²

CTDPUC recommends that the Commission grant the NYDPS request. The Commission has already recognized that the NYDPS is "uniquely positioned to understand local conditions and what effect new area codes will have on those

¹ Notice, p. 1.

² Id.

conditions” in its Local Competition Second Report and Order³ as well as the NYDPS’ capabilities in terms of promoting area code conservation measures as evidenced by its September 1999 Order permitting the NYDPS to implement thousands-block number pooling and NXX reclamation activities.⁴ Based on the formal investigation undertaken by the NYPDS in Case 99-C-0800, In the Matter of an Investigation of the Efficient Usage of Telephone Numbering Resources and Evaluation of the Options for Making Additional Central Office Codes and/or Area codes Available in New York State (716 Order), CTDPUC believes that the NYPDS has considered the perspectives of individual consumers, local governments and industries that would be most adversely affected by the introduction of a new area code. Clearly, the 716 Order reflects those viewpoints and local conditions not acknowledged by the industry guidelines that the NANPA has required be adhered to by the NYDPS. In the opinion of CTDPUC, no matter how inclusive the industry guidelines may be, they do not incorporate the level of public input that the 716 Order does, nor do they recognize the state commission’s knowledge of local conditions previously acknowledged to be of some level of importance by the Commission. CTDPUC also believes that by their very nature, the industry guidelines have been designed to be used only as a guide and when the appropriate conditions warrant, deviations may be permitted. Indeed, the CCB appears to have provided for some deviation as it

³ See Implementation of the Local Competition Provision of the Telecommunications Act of 1996, Second Report and Order and Memorandum Opinion and Order, 11 FCC Rcd 19392, 19512-16 (1996) (Local Competition Second Report and Order).

⁴ See New York State Department of Public Service Petition for Additional Delegated authority to Implement Number Conservation Measures, *Order*, 14 FCC Rcd 17467 (1999) (New York Order).

has merely “urged state commissions to conform”⁵ (emphasis added) to these guidelines. Thus, departure from the industry guidelines in this instance should be permitted.

Most notably however is the Commission’s recognition of the NYDPS capabilities and the role it has taken in providing for area code relief and its efforts to promote telephone number conservation measures in New York State. The NYDPS is in the forefront when employing area code conservation measures and its performance thus far is most noteworthy. CTDPUC recommends that the Commission not second-guess the NYDPS and defer to its judgement in this matter.

Finally, CTDPUC does not believe that the NYDPS decision to implement area code relief along county lines will impact negatively on the telephone number conservation efforts recently undertaken by the New York commission and the telecommunications industry. Although implementation of the 716 Order would result in the accelerated assignment of a total of 29 NXX codes, this number pales in comparison to the total number of codes that will continue to be available for assignment.⁶ The effects of implementing the 716 Order will also be minimized in light of the NYDPS and the industry’s thousands-block number pooling and NXX reclamation efforts that have been in employed since April 2000. Therefore, approval of the NYDPS request should have a minimal impact on the number of central office codes required to serve existing customers in each half of the rate center.

⁵ Notice, p. 2.

CONCLUSION

Since the NYDPS has thoroughly investigated the effects that the introduction of a new area code along county lines would impose on western New York, the 716 Order appears to be a sound and balanced decision. In the opinion of CTDPU, the NYDPS has more than satisfactorily demonstrated its capabilities relative to area code relief in the State of New York and its judgement should not be questioned. The 716 Order appears to be in the public interest and therefore, the NANPA should be directed to release the new area code so that it can be implemented in the manner directed by the NYDPS.

Respectfully submitted,

CONNECTICUT DEPARTMENT OF PUBLIC
UTILITY CONTROL

Donald W. Downes
Chairman

Glenn Arthur
Vice-Chairman

Jack R. Goldberg
Commissioner

John W. Betkoski, III
Commissioner

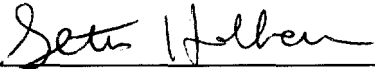
Linda Kelly Arnold
Commissioner

August 31, 2000

Connecticut Department of
Public Utility Control
Ten Franklin Square
New Britain, CT 06051

⁶ NYDPS June 20, 2000 letter to Lawrence Strickling, Re: North American Numbering Plan Administrator Denial of NPA Relief for 716 NPA, p. 1.

CERTIFICATION



Seth Hollander
Commissioner of the Superior Court